

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

HOTHMAN MISANE, TYLER
SLEEP, and JEROL WILLIAMS,

Plaintiffs,

vs.

Hon. Hala Y. Jarbou
Case No. 1:21-cv-00487

CITY OF BANGOR, TOMMY
SIMPSON, MAYOR DARREN
WILLIAMS, and SCOTT GRAHAM,

Defendants.

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PLAINTIFFS' EX PARTE MOTION FOR STAY OF PROCEEDINGS

NOW COME the above-named Plaintiffs, by and through their attorneys, MARKO LAW, PLLC, and for their Ex Parte Motion for Stay of Proceedings, state as follows:

1. This case involves claims for sexual harassment, racial discrimination, and retaliation claims under the Michigan Elliot Larsen Civil Rights Act, violations of the Michigan Whistleblower's Protection Act, violations of 42 U.S.C. §1981, and

violations of 42 U.S.C. §1983, including for First Amendment Retaliation, Fourteenth Amendment Equal Protection, and *Monell* liability.

2. Plaintiffs filed their Complaint on June 10, 2021. (ECF No. 1). Plaintiffs filed their First Amended Complaint, by Right, on June 11, 2021. (ECF No. 3).

3. Plaintiffs have filed complaints with the Equal Employment Opportunity Commission (“EEOC”) regarding their claims against the above-named Defendants, which are currently pending with the EEOC.

4. Plaintiffs were required to file this lawsuit due to the shortened statute of limitations on their Michigan Whistleblower’s Protection Act claim.

5. Plaintiffs wish to bring additional claims against Defendants for violations of Title VII of the 1964 Civil Rights Act, however, Plaintiffs must first exhaust their administrative remedies by going through the EEOC process before bringing a lawsuit under Title VII.

6. Plaintiffs respectfully request a stay of proceedings in this matter pending the outcome of Plaintiffs’ EEOC complaints.

7. “[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes of its docket with economy of time and effort for itself, for counsel, and for litigants. How this can best be done

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calls for the exercise of judgment, which must weigh competing interests and maintain an even balance.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936).

8. As Plaintiffs have just filed this lawsuit and Defendants have not been served with summons and Complaint, Plaintiffs are filing this Ex-Parte Motion and have not been able to seek concurrence.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court grant a Stay of Proceedings pending the outcome of Plaintiffs’ EEOC claims.

Respectfully submitted,

/s/ Kirstina R. Magyari

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Date: June 14, 2021

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2021, I presented the foregoing paper to this Court’s ECF System which will send notification of such filing to the above listed attorneys of record.

/s/ Heather J. Ducharme

Heather J. Ducharme

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